

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Anja DRUCKS et al.

**Confirmation No. 2712**

Group Art Unit: 1617

Serial No. : 10/001,565

Examiner: Kim, Jennifer M

Filed : November 15, 2001

For : COSMETIC OR DERMATOLOGICAL IMPREGNATED WIPES

**APPEAL BRIEF UNDER 37 C.F.R. § 41.37**

Commissioner for Patents  
U.S. Patent and Trademark Office  
Customer Service Window, Mail Stop Appeal Brief - Patents  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Sir:

This Appeal is from the Examiner's Final Rejection of claims 21-32 and 34-41 set forth in the Final Office Action mailed from the U.S. Patent and Trademark Office on February 26, 2008 and confirmed in the Advisory Action mailed May 19, 2008.

A Notice of Appeal in response to the February 26, 2008 Final Office Action was filed on August 26, 2008. A request for a four-month extension of time is being filed concurrently herewith.

The requisite fee under 37 C.F.R. § 41.20(b)(2) for filing this Appeal Brief and the fee for a four-month extension of time are being paid concurrently herewith. The Patent and Trademark Office is hereby authorized to charge any additional fees that may be deemed necessary for

P29706.A11

maintaining the pendency of this application, including any appeal or extension of time fees that may be deemed necessary, to Deposit Account No. 19-0089.

**TABLE OF CONTENTS**

I.	REAL PARTY IN INTEREST	4
II.	RELATED APPEALS AND INTERFERENCES	4
III.	STATUS OF CLAIMS	4
IV.	STATUS OF AMENDMENTS	4
V.	SUMMARY OF CLAIMED SUBJECT MATTER	5
VI.	GROUND OF REJECTION TO BE REVIEWED ON APPEAL	6
VII.	ARGUMENTS	6
VIII.	CONCLUSION	18
	CLAIMS APPENDIX	19
	EVIDENCE APPENDIX	23
	RELATED PROCEEDINGS APPENDIX	24

### **I. REAL PARTY IN INTEREST**

The real party in interest in this appeal is Beiersdorf AG of Hamburg, Germany. The corresponding assignment was recorded in the U.S. Patent and Trademark Office on November 15, 2001 at REEL 012360, FRAME 0150.

### **II. RELATED APPEALS AND INTERFERENCES**

Appellants, Appellants' representative or the Assignee are not aware of any prior and pending appeals, interferences or judicial proceedings which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

### **III. STATUS OF CLAIMS**

The status of the claims is as follows:

Claims 21-32 and 34-41 are pending in this application.

Claims 1-20 and 33 are cancelled.

Each of claims 21-32 and 34-41 is indicated as rejected in the Final Office Action mailed February 26, 2008.

The rejection of each of claims 21-32 and 34-41 is under appeal. Claims 21-32 and 34-41 involved in the appeal are reproduced in the Claims Appendix attached hereto.

### **IV. STATUS OF AMENDMENTS**

No Amendment has been filed subsequent to the Final Office Action mailed February 26, 2008.

## **V. SUMMARY OF CLAIMED SUBJECT MATTER**

### **A. Claim 21**

Independent claim 21 is drawn to a cosmetic or dermatological wipe which consists of a water-jet consolidated and water-jet impressed nonwoven material which is moistened with a cosmetic or dermatological impregnation liquid having a viscosity of less than 2,000 mPa·s. The wipe exhibits a uniform sequence of elevations and indentations in the nonwoven material.

See, e.g., page 2, lines 1-6 and 15-17 of the present specification.

### **B. Claim 39**

Independent claim 39 is drawn to a cosmetic or dermatological wipe which consists of a water-jet impressed nonwoven material which is moistened with a cosmetic or dermatological impregnation liquid having a viscosity of less than 2,000 mPa·s. The wipe exhibits a uniform sequence of elevations and indentations in the nonwoven material. Further, the impregnation liquid is an emulsion which comprises at least one of a moisturizer, a wax, a UV filter, a pigment, a perfume, an antioxidant, a plant extract, a deodorant or antiperspirant active ingredient and a dermatological active ingredient. See, e.g., page 2, lines 1-6 and 15-17 and page 48, lines 14-17 and 26-30 of the present specification.

### **C. Claim 40**

Independent claim 40 is drawn to a cosmetic or dermatological wipe which consists of a water-jet consolidated and water-jet impressed nonwoven material which is

moistened with a cosmetic or dermatological impregnation liquid having a viscosity of less than 2,000 mPa·s and comprising a microemulsion. The wipe exhibits a uniform sequence of elevations and indentations in the nonwoven material. Further, the weight ratio of the nonwoven material to the impregnation liquid is not higher than 1 : 1. See, e.g., page 2, lines 1-6 and 15-17 and page 48, lines 7-8 of the present specification.

## **VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL**

The broad issue under consideration is:

Whether claims 21-32 and 34-41 are properly rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Gott et al., US 2002/0071859 A1 (hereafter “GOTT”) in view of Ullmann’s Encyclopedia of Industrial Chemistry, 5<sup>th</sup> Completely Revised Edition, Vol. A17 (hereafter “ULLMANN”).

## **VII. ARGUMENTS**

### **A. Citation of Authority**

#### **Obviousness**

The appropriate starting point for a determination of obviousness is stated in *Graham v. John Deere Co.*, 383 U.S. 1, 17, 148 U.S.P.Q. 459, 466 (1966):

Under § 103, the scope and content of the prior art are to be determined; differences between the prior art and the claims at issue are to be ascertained and the level of ordinary skill in the pertinent art resolved. Against this background, the obviousness or nonobviousness of the subject matter is determined.

The test of obviousness *vel non* is statutory and requires a comparison of the claimed subject matter as a whole with the prior art to which the subject matter pertains.

*In re Brouwer*, 77 F.3d, 422, 37 U.S.P.Q. 2d 1663 (Fed. Cir. 1996); *In re Ochiai*, 71 F.3d 1565, 37 U.S.P.Q. 2d 1127 (Fed. Cir. 1995).

Often, it will be necessary to look to interrelated teachings of multiple patents; the effects of demands known to the design community or present in the marketplace; and the background knowledge possessed by a person having ordinary skill in the art to determine whether there was an apparent reason to combine the known elements in the fashion claimed by the patent at issue. This analysis should be made explicit. There must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. *KSR Int'l Co. v. Teleflex Inc.*, 127 S. Ct. 1727, 1740-1741. “A patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art. Although common sense directs one to look with care at a patent application that claims as innovation the combination of two known devices according to their established functions, it can be important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does.” *Id.*, at 1741.

“If the Examiner fails to establish a *prima facie* case, the rejection is improper and will be overturned.” *In re Rijckaert*, 9 F.3d, 1532, 28 U.S.P.Q.2d, 1956 (Fed. Cir. 1993), citing *In re Fine*, 837 F.2d 1071, 1074, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988).

**B. Claims 21-32 and 34-41 Are Not Properly Rejected Under 35 U.S.C. 103(a)**

**1. Summary of Rejection**

The rejection essentially asserts that GOTT teaches cosmetic towelette compositions comprising a water insoluble substrate and a fluid cosmetic composition

impregnated into the substrate and that the substrate and the cosmetic composition show several of the properties which are recited in the instant claims. The rejection concedes that GOTT fails to teach “the wipe exhibiting a uniform sequence of elevations and indentations, specific formulations such as emulsion or microemulsion, amount ratios and thickness, tear strength, expandibility and the thickness of the fiber”. In this regard, the rejection essentially alleges that GOTT teaches that the towelettes have a different texture and abrasiveness and sufficient abrasivity, sufficient loft and porosity and that “[t]he teaching of the towelette having sufficient loft contemplates the limitation of uniform sequence of elevation and the towelette having abrasiveness and porosity and sufficient abrasivity encompasses the limitation of indentation in the fabric”. Page 7, second paragraph, of the February 26, 2008 Final Office Action. Regarding the other elements recited in the instant claims which GOTT fails to disclose, the Examiner appears to take the position that one of ordinary skill in the art would have arrived at these elements by mere routine optimization. The rejection further alleges that ULLMANN teaches the benefits of viscose fibers, wherefore it would allegedly have been obvious to one of ordinary skill in the art employ viscose fibers in the towelettes of GOTT.

**2. GOTT And ULLMANN Fail To Render Obvious Both A Water-Jet Impression Of A Nonwoven Material And A Uniform Sequence Of Elevations And Indentations In A Nonwoven Material**

Appellants point out that all of the present independent claims recite, *inter alia*, that the wipe consists of a water-jet impressed nonwoven material and that the wipe exhibits a uniform sequence of elevations and indentations in the nonwoven material. As set forth at page 2, third paragraph of the present application, the structuring of the wipe



by means of water jets produces a uniform sequence of elevations and indentations in the nonwoven material which permits, as a result of the elevations, both better access to indentations in the human skin and also increased soil-uptake capacity, leading overall to a significantly improved cleaning performance. At page 1 of the present specification it further is set forth that the known surface-structured wipes are produced by mechanical impression by means of calender rolls, resulting in wipes with low tear resistance, high roughness and high hardness (whereas water-jet impression results in comparatively soft wipes).

Appellants submit that GOTT neither teaches nor suggests that the towelletes disclosed therein should have a specific surface structure, let alone a uniform sequence of elevations and indentations in the nonwoven material.

Moreover, even if one were to assume, *arguendo*, that one of ordinary skill in the art would be motivated to provide the towelletes of GOTT with a surface structure and in particular, a uniform sequence of elevations and indentations, it is not seen that GOTT teaches or suggests that this assumed uniform sequence of elevations and indentations in the nonwoven material is to be produced by using water-jets. In fact, GOTT does not even mention water-jets, let alone for the purpose of providing a nonwoven with a surface structure.

Applicants further note that the Examiner takes the position that the mentioning of “sufficient loft” in GOTT “contemplates the limitation of uniform sequence of elevation” and that the mentioning of “the towelette having abrasiveness and porosity and sufficient abrasivity encompasses the limitation of indentation in the fabric”.

Appellants point out that the Examiner has not offered any explanation in this regard, let alone provided any written (or other) evidence which would support these allegations. In this regard, it is not seen that a “sufficient loft” allegedly “contemplates” a “sequence of elevations”, let alone a uniform sequence of elevations. It also is not seen that a “sufficient abrasivity” is related to indentations in the fabric rather than to, e.g., the nature (hardness) of the fibers from which the fabric is made and the structure of the fabric (e.g., woven, nonwoven, etc.).

Regarding the argument that the Examiner has not offered any explanation as to why the mentioning of “sufficient loft” in GOTT allegedly “contemplates the limitation of uniform sequence of elevation” it is stated at page 3 of the February 26, 2008 Final Office Action (emphasis added):

... Gott teaches “porosity” and “loft”. Clearly, such porosity would be uniform to provide uniform drainage. Such porosity, it is argued, would read on Applicant’s sequence of elevations, and indentations, especially when coupled with the teaching of “loft”. The Examiner further notes that Ullmann teaches that “creping” is well known in the art to soften non-woven materials, (page 582, right hand column). Thus it would be obvious to one of ordinary skill in the art to crepe the non-woven material to soften it. Such creping provides the claimed uniform sequence of elevations and indentations.

Appellants note that the Examiner has failed to provide any explanation whatsoever as to

(a) why the towelettes of GOTT must provide “drainage” and in particular, a “uniform” drainage (the towelettes are subject to impregnation with a liquid of relatively low viscosity; under these circumstances “drainage” would appear to be an undesirable feature);

(b) why the “uniform drainage” which the towelettes of GOTT allegedly must provide necessarily requires a “uniform” porosity (whatever this is supposed to mean exactly); and

(c) why the alleged “uniform” porosity necessarily requires a sequence of elevations and indentations (Appellants note that the preferred towelettes materials of GOTT are nonwovens and it would appear that a nonwoven and most, if not all, of the other types of materials which are mentioned in paragraph [0048] of GOTT can have a “uniform” porosity even without being provided with elevations and indentations).

Regarding the “creping” mentioned by the Examiner, it is noted that the passage at page 582 of ULLMANN (which presumably is relied on by the Examiner in this respect) states:

*Compacting* (Clupak process) and *crêping* (Micrex process) also serve to soften nonwovens. .... In the Micrex process a dry nonwoven is compacted in the gap between a rotating grooved roller and a fixed guide plate; in contrast to the Clupak process a visible “crêping” effect can be obtained.

Appellants are unable to see why in order to soften a nonwoven material one of ordinary skill in the art would consider it obvious to replace the above Micrex process (i.e., compacting between a rotating grooved roller and a fixed guide plate) by a water-jet impression. Moreover, Appellants note that regarding the properties of the substrate for the impregnated towelettes disclosed therein, paragraph [0047] of GOTT states:

Another important feature of the present invention is that of a substrate which is a water insoluble substance. By "water insoluble" is meant the substrate does not dissolve in or readily break apart upon immersion in water. A wide variety of materials can be used as the substrate. The following nonlimiting characteristics may be desirable: (I) sufficient wet strength for use, (ii) sufficient abrasivity, (iii) sufficient loft and porosity, (iv) sufficient thickness, (v) appropriate size, and (vi) non-reactive with components of the impregnating composition.

It is not seen that “softness” is among the desirable substrate properties which are mentioned in the above paragraph [0047] of GOTT, let alone in connection with a nonwoven. On the contrary, GOTT expressly mentions the exact opposite of softness, i.e., “sufficient abrasivity”.

To sum up, GOTT and ULLMANN do to mention, let alone teach or suggest, at least two of the elements which are recited in the present independent claims, i.e., (i) a water-jet impressed nonwoven material and (ii) a uniform sequence of elevations and indentations in the nonwoven material. Accordingly, the Examiner has failed to establish a *prima facie* case of obviousness of the subject matter of these claims (and the claims dependent therefrom) in view of GOTT and ULLMANN for these reasons alone.

### **3. Claim 22**

Claim 22 recites, *inter alia*, that the impregnation liquid for the cosmetic or dermatological wipe of claim 21 has a water content of less than 0.5 % by weight.

ULLMANN does not contain any disclosure in this regard at all. GOTT on the other hand, teaches in paragraph [0020] thereof that the cosmetic composition disclosed therein has a water content of “from about 80 to about 99%, preferably from about 85 to about 95%, optimally from about 90 to about 95% by weight”. The compositions of the Examples of GOTT are in accordance with this requirement.

It is apparent that the teaching in GOTT of an impregnation liquid which must contain at least about 80% by weight of water is not an apparent reason for one of ordinary skill in the art to provide an impregnation liquid with a water content of less than 0.5 % by weight but on the contrary, teaches away therefrom.

Appellants note that the Examiner alleges at pages 3/4 of the February 26, 2008 Final Office Action (emphasis in original):

... Gott teaches (paragraph 20) that the water phase **may** range in an amount about 80 to 99%. That is water can be in any amount. It is noted that, in table 3, Gott discloses water at 75%, lower than the above recited range. This further suggests that water can be in lower amounts than the lower end of the above range cited. Further, Gott (paragraph 7) teaches that there is a problem with liquid formulations which do not evenly distributed over an applied surface skin. [*sic*] It is argued that this problem would suggest delivering the active in an essentially anhydrous, low viscosity vehicle.

Appellants submit that the Examiner's interpretation of the term "may" in paragraph [0020] of GOTT is clearly at odds with the disclosure of GOTT as a whole. In particular, the lower limit of about 80 % by weight of water is mentioned not only in paragraph [0020] of GOTT, but also in paragraph [0016] and, most importantly, in independent claims 1 and 9 of GOTT, thereby making it absolutely clear that the lower limit of about 80 % by weight is one of the critical features of the invention of GOTT.

Regarding the formulations set forth in Table III of GOTT relied on by the Examiner, it is pointed out that these formulations contain not only 75 % by weight of water as "Phase A" but also water as the "balance" (see bottom of Table III). For each of these formulations this "balance" alone clearly accounts for more than 5 % by weight. Moreover, it must not be overlooked that probably a substantial portion of "Phase C", i.e., 6% by weight of Dimethicone Microemulsion, consists of water as well. Accordingly, it is apparent that all of the formulations which are set forth in Table III of GOTT contain significantly more than 80 % by weight of water and are thus, within the range called for by the independent claims of GOTT (and probably even within one of the preferred ranges recited in paragraph [0022] thereof).

With respect to the statement in paragraph [0007] of GOTT also referred to by the Examiner in this regard, Appellants note that this paragraph clearly refers to the problems of the prior art which the invention described by GOTT is to overcome. In this regard, paragraph [0019] of GOTT may, for example, be referred to:

Now it has been found that towelettes impregnated with sunscreen agent can deliver this material to the skin in a highly efficient manner. Two aspects are important to achieve this effect. The first is that the cosmetic composition have a relatively thin viscosity. Secondly, the sunscreen agent concentration must be at least 25% within a sunscreen phase immiscible with a water phase of the composition.

Appellants submit that the foregoing are additional reasons, i.e., in addition to those which are set forth above and apply to, *inter alia*, independent claim 21, why the subject matter of dependent claim 22 is not rendered obvious by GOTT in view of ULLMANN.

#### **4. Claim 23**

Claim 23 recites, *inter alia*, that the impregnation liquid for the cosmetic or dermatological wipe of claim 21 is alcohol-based.

ULLMANN does not contain any disclosure in this regard at all. Further, as set forth above with respect to claim 22, according to GOTT the compositions taught therein must have a water content of at least about 80% by weight. Clearly, a composition which is to comprise at least about 80 % by weight of water is water-based and can thus, not be alcohol-based, wherefore GOTT teaches away from claim 23 as well.

Appellants note that at page 4, second paragraph of the February 26, 2008 Final Office Action the Examiner alleges that GOTT “teaches that fatty alcohols can be

employed in the composition and this limitation meets Applicant's broad range of alcohol-based liquid".

In this regard, it is submitted that even if one were to assume, *arguendo*, that a composition comprising a (major) portion of one or more fatty alcohols may be called "alcohol-based", it is noted that GOTT mentions C<sub>10-20</sub> fatty alcohols only as examples of nonionic surfactants which may optionally be present in the water-based compositions disclosed therein (see paragraph [0028] of GOTT). As is set forth in paragraph [0027] of GOTT, surfactants are present in these compositions only in amounts of up to 20 % by weight, which amounts are clearly not high enough to call a corresponding composition (fatty) alcohol-based. It further is noted that none of the exemplary compositions of GOTT contains a fatty alcohol, let alone a typical alcohol.

Appellants submit that the foregoing are additional reasons, i.e., in addition to those which are set forth above and apply to, *inter alia*, independent claim 21, why the subject matter of dependent claim 23 is not rendered obvious by GOTT in view of ULLMANN.

## **5. Claim 24**

Claim 24 recites that the impregnation liquid for the cosmetic or dermatological wipe of claim 21 is free of oil.

ULLMANN does not contain any disclosure in this regard at all. Further, GOTT does not appear to provide any specific information in this regard either, but clearly fails to teach or suggest that the compositions disclosed therein should be, or preferably are free of oil. On the contrary, all of the compositions of the Examples of GOTT which are

to illustrate compositions for the impregnation of towelettes (Examples 1 and 3-8) do contain oil (dimethicone). In view thereof, GOTT teaches away from, or at the very least fails to render obvious the subject matter of claim 24 as well.

Appellants note that at page 4, third paragraph of the February 26, 2008 Office Action the Examiner asserts that because the composition of Example 2 of GOTT is free of oil, GOTT allegedly motivates one of ordinary skill in the art “to employ oil free impregnation liquid because GOTT et al. illustrate and exemplifies as oil free impregnated liquid and an actual working example” [*sic*].

In this regard, it is submitted that a closer look at Example 2 of GOTT, i.e., the only Example which discloses a composition which does not appear to contain an oil, reveals that the composition disclosed therein is not intended for use as an actual impregnation liquid for the production of a towelette (in contrast to the remaining exemplified compositions) but only as a testing liquid for evaluating the effect of the viscosity of an impregnation liquid which comprises a UV filter substance on the resultant SPF value, apparently to thereby illustrate the reason why according to the claims of GOTT the viscosity of the impregnated cosmetic composition must not exceed 10,000 cps. In this regard paragraph [0071] of GOTT may particularly be referred to.

Further, in paragraph [0070] thereof GOTT states:

The evaluation was an in-vitro method. According to the method, vitro skin (N-19 topography available from MS Inc.) was cut into 7x7 cm pieces and placed into a frame. Test samples were dispensed through a micropipettor in the form of at least 100 dots of sample over a 5.5.times.5.5 cm area. Coverage of the sample was 2  $\mu\text{L}/\text{cm}^2$ . By use of a finger cot, the sample was lightly spread in an even manner over full 5.5x5.5 cm area of the skin. Then it was set aside to dry at least 15 minutes. An SPF 290 Analyzer (Optometrics Group) instrument was used to measure the sun protection factor.



This passage clearly does not mention, let alone illustrate the impregnation of a towelette with the test samples.

Accordingly, all of the (seven) exemplified compositions of GOTT which were actually impregnated into a substrate contained an oil, i.e., dimethicone. In view thereof, GOTT teaches away from, or at the very least fails to provide an apparent reason for one of ordinary skill in the art for providing oil-free compositions for the impregnation of a towelette.

Appellants submit that the foregoing are additional reasons, i.e., in addition to those which are set forth above and apply to, *inter alia*, independent claim 21, why the subject matter of dependent claim 24 is not rendered obvious by GOTT in view of ULLMANN.

#### **6. Claims 34 and 35**

Claims 34 and 35 recite that the nonwoven material of the wipe of claim 21 is from 5 % to 50 % (10 % to 25 %) thicker than an identical nonwoven material which has not been water-jet impressed.

ULLMANN does not contain any disclosure in this regard at all. Further, as pointed out above, GOTT does not mention water-jets, let alone water-jet impression, either. Accordingly, GOTT necessarily fails to render obvious the subject matter of claims 34 and 35.

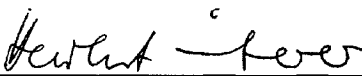
Appellants submit that the foregoing is an additional reason, i.e., in addition to those which are set forth above and apply to, *inter alia*, independent claim 21, why the

subject matter of dependent claims 34 and 35 is not rendered obvious by GOTT in view of ULLMANN.

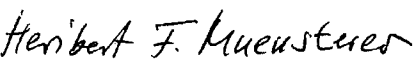
### VIII. CONCLUSION

Appellants respectfully submit that for at least all of the foregoing reasons, the Examiner has failed to establish a *prima facie* case of obviousness of the subject matter of any of claims 21-32 and 34-41 over GOTT in view of ULLMANN, which is a prerequisite for maintaining a rejection under 35 U.S.C. § 103. The Board is, therefore, respectfully requested to reverse the Final Rejection, and to allow the application to issue in its present form.

Respectfully submitted,  
Anja DRUCKS et al.

  
\_\_\_\_\_  
Neil F. Greenblum  
Reg. No. 28,394

February 25, 2009  
GREENBLUM & BERNSTEIN, P.L.C.  
1950 Roland Clarke Place  
Reston, VA 20191  
(703) 716-1191

  
Reg. No. 50,417

**CLAIMS APPENDIX**

21. A cosmetic or dermatological wipe, wherein the wipe consists of a water-jet consolidated and water-jet impressed nonwoven material which is moistened with a cosmetic or dermatological impregnation liquid having a viscosity of less than 2,000 mPa·s and wherein the wipe exhibits a uniform sequence of elevations and indentations in the nonwoven material.

22. The wipe of claim 21, wherein the impregnation liquid comprises at least one of an oil, a silicone oil and a lipophilic substance and has a water content of less than 0.5 % by weight, based on a total weight of the impregnation liquid.

23. The wipe of claim 21, wherein the impregnation liquid is alcohol-based.

24. The wipe of claim 21, wherein the impregnation liquid is free of oil.

25. The wipe of claim 21, wherein the impregnation liquid comprises a moisturizer.

26. The wipe of claim 21, wherein the impregnation liquid comprises a UV filter.

27. The wipe of claim 21, wherein the impregnation liquid comprises a perfume.

28. The wipe of claim 21, wherein the impregnation liquid comprises an antioxidant.

29. The wipe of claim 21, wherein the impregnation liquid comprises an emulsion.

30. The wipe of claim 21, wherein the impregnation liquid comprises a microemulsion.

31. The wipe of claim 21, wherein the impregnation liquid comprises more than 90 % by weight of water, based on a total weight of the impregnation liquid.

32. The wipe of claim 21, wherein a weight ratio of the nonwoven material to the impregnation liquid is from 1 : 1 to 1 : 5.

34. The wipe of claim 21, wherein the nonwoven material is from 5 % to 50 % thicker than an identical nonwoven material which has not been water-jet impressed.

35. The wipe of claim 34, wherein the nonwoven material is from 10 % to 25 % thicker than an identical nonwoven material which has not been water-jet impressed.

36. The wipe of claim 21, wherein the nonwoven material comprises fibers of at least one of viscose, cotton, jute, hemp, sisal, silk, wool, polypropylene, polyethylene,

polyester, aramid, nylon, polyurethane, polylactide, polyhydroxyalkanoate and cellulose ester.

37. The wipe of claim 36, wherein the nonwoven material comprises fibers of viscose and polyethylene terephthalate.

38. The wipe of claim 21, wherein the moistened wipe exhibits at least one of (a) a tear strength in machine direction of greater than 60 N/50 mm and a tear strength in cross direction of greater than 20 N/50 mm and (b) an expandability in machine direction of from 20 % to 40 % and an expandability in cross direction of from 50 % to 85 %.

39. A cosmetic or dermatological wipe, wherein the wipe consists of a water-jet impressed nonwoven material which is moistened with a cosmetic or dermatological impregnation liquid having a viscosity of less than 2,000 mPa·s and wherein the wipe exhibits a uniform sequence of elevations and indentations in the nonwoven material, the impregnation liquid being an emulsion which comprises at least one of a moisturizer, a wax, a UV filter, a pigment, a perfume, an antioxidant, a plant extract, a deodorant or antiperspirant active ingredient and a dermatological active ingredient.

40. A cosmetic or dermatological wipe, wherein the wipe consists of a water-jet consolidated and water-jet impressed nonwoven material which is moistened with a cosmetic or dermatological impregnation liquid having a viscosity of less than 2,000

mPa·s and wherein the wipe exhibits a uniform sequence of elevations and indentations in the nonwoven material, a weight ratio of the nonwoven material to the impregnation liquid being not higher than 1 : 1 and the impregnation liquid comprising a microemulsion.

41. The wipe of claim 40, wherein the moistened wipe exhibits a tear strength in machine direction of greater than 60 N/50 mm, a tear strength in cross direction of greater than 20 N/50 mm, an expandability in machine direction of from 20 % to 40 % and an expandability in cross direction of from 50 % to 85 %.

P29706.A11

## **EVIDENCE APPENDIX**

None.

P29706.A11

**RELATED PROCEEDINGS APPENDIX**

None.